

### **REMARKS**

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The present invention as set forth in **Claim 1** relates to a **cosmetic pack preparation**, comprising:

- (a) 5-20 wt% of polyvinyl alcohol; and
- (b) 0.01-10 wt% of a titanium-titanium dioxide sinter.

In contrast, Shiraishi et al and Leverett fail to disclose or suggest a cosmetic pack preparation, comprising: (a) 5-20 wt% of polyvinyl alcohol; and (b) 0.01-10 wt% of a **titanium-titanium dioxide sinter**.

Shiraishi et al uses a method of dispersing **titanium black** in an aqueous solvent such as water and ethanol by using an N-methacryloylethyl-N,N-dimethylammonium,  $\alpha$ -N-methylcarboxybetaine, butyl methacrylate copolymer as a dispersant.

Leverett discloses a W/O-type emulsion containing a hydrophilic film former such as polyvinyl alcohol in the internal water phase and a pigment in the external oil phase. It is necessary for the pigment to be cationically coated to be included in the internal water phase.

In this manner, the dispersion agent of pigment and the form of dispersion of Leverett are quite different from those of Shiraishi et al. Furthermore, Shiraishi et al discloses a hair dye, whereas Leverett relates to a makeup cosmetic composition. Since Shiraishi et al and Leverett disclose different types of cosmetics, there is no motivation for a person skilled in the art to replace the component of Leverett with the pigment of Shiraishi et al, or to replace the dispersant of Shiraishi et al with polyvinyl alcohol.

Moreover, the **present invention relates to a cosmetic pack preparation which is entirely different from the hair dye or the makeup cosmetic composition**. That is, the cosmetic pack preparation has the objective of cleansing the skin by a film, supplying

moisture, promoting blood circulation, and percutaneously absorbing active components, whereas the makeup cosmetic composition has the objective of decorating the skin, nail, and the like. For example, a makeup cosmetic composition is applied to the face, nail, and the like in order to show them in a different color or to provide a three dimensional effect by shading the face.

In addition, neither Shiraishi et al nor Leverett, alone or in combination, provides any disclosure suggesting the use of their compositions as a cosmetic pack preparation.

Therefore, the present invention is not obvious over Shiraishi et al in view of Leverett, alone or in combination.

Further, **Claim 15 relates to a peel-off cosmetic pack. In addition, new Claim 17 limits the amount of a polyvinyl alcohol incorporated in the cosmetic pack preparation to 7 to 15wt%. Thus, Claims 15 and 17 are further distinct from Leverett.**

In order for the cosmetic pack preparation to be a peel-off cosmetic pack which can be used by forming a continuous film on the skin and removing the film after use, the water phase containing polyvinyl alcohol acting as a film former must be a continuous phase.

In contrast, since the W/O-type emulsion of Leverett has an internal water phase containing a hydrophilic film former such as polyvinyl alcohol as a dispersion phase which cannot be a continuous film, the emulsion cannot be used as peel-off type cosmetic pack composition which requires formation of a continuous film.

The Examiner indicates that the peel-off type is a future intended use. However, the peel-off type indicates one type of pack cosmetic composition and represents a type of a product. That is to say, in addition to the peel-off type, there are a washing pack, an oil pack, and the like in the pack cosmetic composition, which do not form a film. By contrast, the peel-off type cosmetic is applied to the skin and dried on the skin to form a film, which is

afterward peeled off. Thus, the peel-off type cosmetic must contain a film former in an amount sufficient to form a continuous film and must have a form in which the phase containing the film former is a continuous phase.

Therefore, the rejection of Claims 1, 6-7 and 11-16 under 35 U.S.C. § 103(a) over Shiraishi et al in view of Leverett is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

The rejection of Claims 2-5, 8 and 10 under 35 U.S.C. § 103(a) over Shiraishi et al in view of Leverett and further in view of Cowsar et al is traversed.

Cowsar et al disclose a hair relaxer which entirely differs from the hair dye of Shiraishi et al or the make-up cosmetic of Leverett. Cowsar et al thus does not provide a motivation to a person skilled in the art to combine with Shiraishi et al or Leverett. In addition, since the Shiraishi et al in view of Leverett and further in view of Cowsar et al do not disclose a cosmetic pack preparation at all, they do not anticipate the present invention which pertains to a cosmetic pack preparation.

Further, the present inventors have found that dispersibility of a titanium-titanium dioxide sinter in a polyvinyl alcohol aqueous solution can be improved by using an anionic surfactant (particularly dioctyl sodium sulfosuccinate), a water swelling clay mineral, and fine particles of amorphous silicic anhydride. Since there is no suggestion of such effect in Shiraishi et al, Leverett and Cowsar et al, it is clear that the present invention is not obvious over Shiraishi et al in view of Leverett and further in view of Cowsar et al.

Thus, the rejection of Claims 2-5, 8 and 10 under 35 U.S.C. § 103(a) over Shiraishi et al in view of Leverett and further in view of Cowsar et al should be withdrawn.

The rejection of Claim 9 under 35 U.S.C. § 103(a) over Shiraishi et al in view of Leverett and further in view of Guerro is respectfully traversed.

Guerro discloses a sunscreen agent which is a different type of cosmetic from those disclosed in Shiraishi et al and Leverett. Guerro thus does not provide a motivation to a person skilled in the art to combine with Shiraishi et al and Leverett. In addition, since the Shiraishi et al, Leverett and Guerro do not disclose a cosmetic pack preparation at all, they do not anticipate the present invention which pertains to a cosmetic pack preparation.

The composition of the present invention can promote dispersion stability of a titanium-titanium dioxide sinter in a polyvinyl alcohol aqueous solution by using a polyglycerol fatty acid ester. Since there is no suggestion of such effect in Guerro, it is clear that the present invention is not obvious over Shiraishi et al in view of Leverett and further in view of Guerro.

Therefore, rejection of Claim 9 under 35 U.S.C. § 103(a) over Shiraishi et al in view of Leverett and further in view of Guerro is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

The rejection of Claim 8 under 35 U.S.C. § 112, 1<sup>st</sup> paragraph, is traversed. The subject matter of Claim 8 was in possession of the inventors of the present invention at the time the present invention was made. Since all ascorbic acid derivatives of the component (e) are water soluble and possess the common characteristics such as an interaction with pigments in a polyvinyl alcohol aqueous solution, the experiment using sodium L-ascorbyl-2-phosphate of Example 15 is believed to be sufficient to enable a person skilled in the art to use the invention using other water soluble ascorbic acids in the same manner. The same applies to water soluble glycyrrhizic acid derivatives. Thus, a person skilled in the art can

use the present invention based on the description of the specification. Thus, this rejection should be withdrawn.

This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.


Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
NFO:KAG:

  
Kirsten A. Grueneberg, Ph.D.  
Registration No.: 47,297